

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hartman et al.

Application No.: 09/318,447

Confirmation No.: 1430

Filed: May 25, 1999

Art Unit: 3625

For: METHOD AND SYSTEM FOR PLACING A
PURCHASE ORDER VIA A
COMMUNICATIONS NETWORK

Examiner: M. A. Fadok

APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
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Sir:

As required under 37 C.F.R. § 41.37(a), this brief is in furtherance of the Notice of Appeal¹ in this case filed on January 9, 2006. The fees required under 37 C.F.R. § 41.20(b)(2), and any required petition for extension of time for filing this brief and fees therefor, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

¹ This is a reinstatement of the appeal previously noticed on September 13, 2004. The undersigned attorney, David T. Dutcher, was advised by Mark Polutta and Kery Fries of the Office of Patent Legal Administration in a telephone conference on December 23, 2005 that the patent term extension for the present appeal will be calculated from the Notice of Appeal filed on September 13, 2004.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37. The complete Table of Contents follows.

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I. REAL PARTY IN INTEREST

The real party in interest for this appeal is Amazon.com, Inc.

II. RELATED APPEALS, INTERFERENCES, AND JUDICIAL PROCEEDINGS

The present application is a continuation application of U.S. Patent No. 5,960,411, which was the subject of the following judicial proceedings: *Amazon.com, Inc. v. Barnesandnoble.com, Inc.*, 73 F. Supp. 2d 1228, 53 U.S.P.Q.2d 1115 (W.D. Wash. 1999); and *Amazon.com, Inc. v. Barnesandnoble.com, Inc.*, 239 F.3d 1343, 57 U.S.P.Q.2d 1747 (Fed. Cir. 2001). The United States Patent and Trademark Office has granted a request for re-examination of U.S. Patent No. 5,960,411. Applicants, applicants' legal representative, and the real party in interest are unaware of any other appeal, interference, or judicial proceeding that may relate to, directly affect or be directly affected by, or have a bearing on the Board's decision in the present appeal.

III. STATUS OF CLAIMS

Claims 108-183 are pending in the present application. Claims 108-123, 126-137, 151-156, 159-163, and 176-183 are the subject of this appeal.² Claims 1-107 have been canceled.

IV. STATUS OF AMENDMENTS

Applicants have not filed any amendments subsequent to the last Office Action mailed October 7, 2005.

² Applicants are not appealing the rejection of claims 124-125, 138-150, 157-158, and 164-175 at this time to simplify the issues for this appeal. Applicants reserve the right to pursue these claims in a continuing application.

V. SUMMARY OF CLAIMED SUBJECT MATTER

A. Overview of the Invention and Prior Art

1. The Invention

Aspects of applicants' invention facilitate ordering items over an electronic network, such as the Internet. (See, e.g., Specification, 1:5-7.) Many individuals have concerns about ordering items over the Internet for several reasons. (See, e.g., Specification, 2:24-26.) First, some individuals are concerned about the security of their personal information when purchasing an item over the Internet. (See, e.g., Specification, 2:24-27.) In an effort to increase the security of Internet purchases, some websites require users to perform time-consuming authentication procedures. These procedures may increase security, but they also reduce the convenience of purchasing goods over the Internet. Second, some individuals are concerned about the cumbersome nature of Internet purchases. For example, it is burdensome for a purchaser to keep track of numerous pending orders from a website.

Aspects of applicants' invention increase the efficiency and improve the security of ordering items over an electronic network. For example, in one embodiment, a server system collects and stores purchaser-specific order information (e.g., name, home address, shipping address, phone number, and credit card number), and assigns a unique client identifier that is stored at the client system. (See, e.g., Specification, 4:2-4 and 5:16-18.) When a purchaser wants to place an order, the purchaser need only perform a single action (e.g., click a mouse button) to order the item, and the client system sends a request to order the item along with the client identifier. (See, e.g., Specification, 4:4-9.) The server system then completes the order by adding the purchaser-specific order information associated with that client identifier to the item order information. (See, e.g., Specification, 4:9-11.) Because the client system includes the client identifier with a request to order, there is no need for the purchaser to log in to the server system. (See, e.g., Specification, 7:1-3.) This process increases the efficiency of ordering items by limiting the information the user inputs to order the items. (See, e.g., Specification, 5:11-13.) The process also improves the security of ordering items

because sensitive personal information is transmitted over the Internet or other electronic network only once and not each time an order is placed. (See, e.g., Specification, 7:20-22.)

When the purchaser wants to change the purchaser-specific order information (e.g., name, home address, shipping address, phone number, and credit card number) stored at the server system, the purchaser logs in to the server system. (See, e.g., Specification, 7:15-18.) Because a log in is needed before the purchaser-specific order information can be changed, an unauthorized user who purchases items using the client system (and the client identifier stored at the client system) cannot change the shipping address or other purchaser-specific order information. (See, e.g., Specification, 7:16-22.) This feature increases the security of the system and deters theft because the items ordered without logging in are sent to the previously supplied shipping address. When the person at the shipping address receives an item ordered by the unauthorized user, that person will likely be able to detect the unauthorized use. Accordingly, this aspect of the invention (a) increases the efficiency of placing orders by not requiring a user to log in when ordering an item, and (b) improves security by requiring a user to log in when changing account information.

Another aspect of applicants' invention simplifies the process of ordering items over an electronic network. For example, in one embodiment, a client system receives a client identifier from a server system and persistently stores the client identifier. (See, e.g., Specification, 4:3-4.) The client identifier identifies account information of a purchaser. (See, e.g., Specification, 9:20-23.) The client system also displays information identifying an item for purchase and displays an indication of a single action that is to be performed to order the identified item. (See, e.g., Specification, 4:4-7.) When the purchaser wants to place an order, the purchaser need only perform the single action and the client system sends to the server system a request to order the identified item and the client identifier. (See, e.g., Specification, 4:4-7.) If the purchaser places several orders within a specific time period, the server system automatically combines the orders into a single order. (See, e.g., Specification, 8:20-22.) As a result, the purchaser need only track a single order having multiple items rather than multiple orders

each having one item. Furthermore, if the purchaser decides not to purchase one or more of the items, the purchaser can modify a single order rather than having to modify several orders. Accordingly, this feature simplifies the process of ordering items over the electronic network.

2. The Joseph Reference

Joseph discloses an interactive television system that broadcasts a home shopping show. (Joseph, 8:22-24.) "When a viewer wishes to order an item, a button is pressed on the TV remote control. This button signals the client computer 22 to display a series of instructions and menus necessary to solicit the information necessary to place the order, e.g. the item number, name and address of the viewer, the method of payment, the credit card number (if needed), etc." (Joseph, 8:34-40.) The viewer enters the information via the TV remote control. (Joseph, 8:45-46.) "When the information requested by the on-screen display and/or voice instructions has been entered by the viewer, it is sent to a central computer via the modem in the client computer." (Joseph, 8:46-49.) Because the viewer provides their personal information with the order, the viewer does not log in to the central computer to place the order.

"It is also possible that permanent information about the viewer (i.e. the name, address, method of payment and credit card number) may be preentered once by the viewer, so it is not necessary to solicit that information each time an order is placed." (Joseph, 8:52-56.) This information is stored in a permanent memory in the client computer. (Joseph, 8:56-57.) "In such a case, when an order is placed, that information is retrieved from the permanent memory, appended to the item number and transmitted to the central computer." (Joseph, 8:57-60.) "In such a case, the viewer will be able to order [an item] by simply pressing one button on the TV remote control. In response, the client computer can combine the previously received information related to the item currently being offered for sale with the previously stored personal information related to the viewer, and transmit the order to the central computer and receive the confirmation in return." (Joseph, 8:63-9:2.) The viewer can subsequently update/change the information stored in the permanent memory of the client computer. Because the client computer

appends the viewer's personal information to the order, the viewer does not log in to the central computer to place the order. In fact, Joseph is silent regarding logging in to the central computer, the client computer, or any other computer.

3. The Teper Reference

Teper discloses a system for allowing "users to purchase online services from the [Service Provider] sites directly, without having to transmit payment information and other personal information over the distributed network, and without having to reveal such information to the Service Providers from which the online services are purchased." (Teper, 2:38-43.) Before purchasing goods and/or services from a Service Provider ("SP"), the user registers with an Online Brokering Service. (Teper, 2:57-60.) During registration, the user provides "various account information to the Online Broker, such as payment information (e.g., credit card number), name, address and phone number. This information is maintained in a brokering database at the Online Broker site, and is not exposed to the Service Providers." (Teper, 2:62-67.) The user also selects a password, and the Online Brokering Service assigns a unique ID such as a user name, which can be mapped to the user only by the Online Brokering Service. (Teper, 2:67-3:2.) "The password and unique ID are stored in the brokering database, and are used to authenticate registered users." (Teper, 3:2-4.)

In operation, the user must log in to a registered SP site using the password and unique ID before the user can purchase online goods and/or services. More specifically, after the user connects to a registered SP site, the SP site sends a challenge message to the user's computer over the Internet, "and the user computer responds by generating and returning a cryptographic response message. The cryptographic response message is preferably based on both the challenge message and the user's password (which is entered manually by the user). This response message is essentially meaningless to the SP site, but contains the information needed by the Online Brokering Service to authenticate the user. The SP site forwards the response message to the Online Broker site along with the user's unique ID (which the SP site obtains from the user computer) and the original challenge message." (Teper, 3:11-22.) The Online Brokering Service in

turn authenticates the user. After the authentication, "the Online Brokering Service preferably sends an anonymous session ID to the SP site to allow the SP site to anonymously bill the user for services subsequently purchased." (Teper, 3:31-34.) Accordingly, the user must log in to the registered SP site before the user can purchase online goods and/or services.

After the user purchases goods and/or services from the SP, "the SP site sends billing events to the Online Brokering Service, with each billing event specifying both the anonymous session ID and a charge to be applied to the user's account." (Teper, 3:36-39.) The user can subsequently log in to the Online Brokering Service to change account information or "view an account statement which shows all of the charges from all of the registered SP sites accessed by the user." (Teper, 3:42-44.) Accordingly, in Teper's system, a user must log in to the SP before purchasing online goods and/or services, and the user must log in to the Online Brokering Service before changing account information.

B. Independent Claims on Appeal

The rejected independent claims are directed to methods and systems for ordering items. The independent claims are described as follows:

1. Claim 108

Claim 108 is directed to a method in a client system for ordering an item. The method includes receiving from a server system a client identifier of the client system and persistently storing the client identifier at the client system. (See, e.g., Specification, 4:2-4.) When an item is to be ordered, the client system displays information identifying the item and displays an indication of a single action that is to be performed to order the identified item. (See, e.g., Specification, 4:4-7.) In response to the single action being performed, the client system sends to the server system a request to order the identified item along with the client identifier. (See, e.g., Specification, 4:7-9.) The client identifier identifies account information previously supplied by a user of the client system. (See, e.g., Specification, 9:14-28.) As such, the user does not need to log in to the server system when ordering the item. (See, e.g., Specification, 7:1-3.) When account information is to be changed, the client system coordinates the log in of the user to the

server system, receives updated account information, and sends the updated account information to the server system. (See, e.g., Specification, 7:15-22.) Accordingly, the user does not need to log in to the server system when ordering the item, but needs to log in to the server system when changing previously supplied account information. (See, e.g., Specification, 7:1-3 and 15-22.)

2. Claim 126

Claim 126 is directed to a method in a client system for ordering items. The method includes receiving from a server system a client identifier of the client system and persistently storing the client identifier at the client system. (See, e.g., Specification, 4:3-4.) For each of a plurality of items, the client system further displays information identifying the item and displays an indication of a single action that is to be performed to order the identified item. (See, e.g., Specification, 4:4-7.) In response to the single action being performed, the client system sends to the server system a request to order the identified item and the client identifier. (See, e.g., Specification, 4:7-9.) The client identifier identifies account information of a user. (See, e.g., Specification, 9:20-23.) The server computer automatically combines multiple orders into a single order. (See, e.g., Specification, 8:20-22.)

3. Claim 151

Claim 151 is directed to a client system for ordering an item. The system includes a component that receives from a server system a client identifier of the client system and that stores the client identifier persistently, and a component that orders an item by displaying information identifying the item along with an indication of a single action that is to be performed to order the identified item and by sending to the server system a request to order the identified item along with the client identifier. (See, e.g., Specification, 4:3-9.) The client identifier identifies account information previously supplied by a user so that the user does not need to log in to the server system when ordering the item. (See, e.g., Specification, 9:20-23; 7:1-3.) The client system further includes a component that updates account information by coordinating the log in of the user to the server system, receiving updated account information from the user, and

sending the updated account information to the server system. (See, e.g., Specification, 7:15-22.)

4. Claim 176

Claim 176 is directed to a method in a computer for ordering an item. The method includes providing to a client system a client identifier for the client system. (See, e.g., Specification, 4:3-4.) The client identifier is associated with account information of a user and for persistent storage at the client system. (See, e.g., Specification, 9:20-23.) When an item is to be ordered, the computer provides to the client system a display page identifying the item. (See, e.g., Specification, 4:4-5.) The display page also includes an indication of a single action that is to be performed to order the identified item. (See, e.g., Specification, 4:5-7.) The computer also receives from the client system an indication that the user performed the single action along with the client identifier, and generates an order for the identified item using the account information associated with the received client identifier so that the user does not need to log in to the computer system to order the item. (See, e.g., Specification, 4:7-11.) When account information is to be changed, the computer coordinates the log in of the user to the computer system, receives from the client system updated account information, and updates the account information associated with the client identifier of the logged in user based on the received updated account information. (See, e.g., Specification, 7:15-22.)

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL³A. The Examiner's Rejections

1. The Examiner rejected claims 108-123, 126-137, 151-156, 159-163, and 176-183 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 5,960,411 ("Hartman") in view of U.S. Patent No. 5,893,076 ("Hafner").⁴

2. The Examiner rejected claims 108-117, 151-156, and 176-183 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,819,034 ("Joseph") in view of U.S. Patent No. 5,815,665 ("Teper") and Official Notice.

3. The Examiner rejected claims 118-123, 126-137, and 159-163 under 35 U.S.C. § 103(a) as being unpatentable over Joseph in view of Teper, Official Notice, and Hafner.

³ The Examiner also alleges that the present application fails to include a priority claim. In a Preliminary Amendment filed with the present application on May 25, 1999, the specification was amended to include the following:

CROSS-REFERENCE TO PRIOR APPLICATION

This application is a continuation of U.S. Patent Application No. 08/928,951, filed September 12, 1997, and allowed March 29, 1999, which is hereby incorporated by reference.

Accordingly, the present application includes a proper priority claim. The filing receipt indicates the proper priority claim.

⁴ Although the Office Action recites, "Claims 108-183 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 5,960,441 in view of Webber, Jr. (6,167,378)" (Office Action, Oct. 7, 2005, p. 6), the Examiner indicated in a telephone conference on January 2, 2006 that the Office Action includes an error and the double patenting rejection is over claims 1-26 of U.S. Patent No. 5,960,411 in view of Hafner.

B. The Issues on Appeal

1. Whether the Examiner has established obviousness-type double patenting for the claims over the combination of claims 1-26 of Hartman, Hafner, and Official Notices:

a. when the Examiner has not addressed the combination of not requiring log in to order an item, but requiring log in when changing account information;

b. when the Examiner has not mentioned the "automatically" combining language of the claims;

c. when the Examiner's suggested motivating benefit of assuring that orders are processed in a timely manner does not result from or necessarily lead to the suggested combination; and

d. when the Examiner's suggested motivating benefit of allowing orders to be combined in a manner that is optimized does not necessarily lead to the suggested combination.

2. Whether the combination of Joseph and Teper suggests that a user does not need to log in to a server system when placing an order, but the user does need to log in to the server system when changing previously supplied account information. The decision on this issue impacts claims 108-123, 151-156, and 176-183.

3. Whether the combination of Joseph and Teper suggests receiving from a server system a client identifier of the client system, persistently storing the client identifier at the client system and, when an item is to be ordered, sending to the server system a request to order the identified item along with the client identifier. The decision on this issue impacts claims 108-123, 136-137, 151-156, 159-163, and 176-183.

4. Whether Hafner or Joseph suggests automatically combining orders placed using single-action ordering into a single order. The decision on this issue impacts claims 118-123, 126-137, 156, and 159-163.

VII. ARGUMENTS

A. Obviousness-Type Double Patenting Rejection

The Examiner rejected claims 108-123, 126-137, 151-156, 159-163, and 176-183 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of Hartman in view of Hafner. It is the Examiner's position that:

The claims of Patent "411" teach placing single action orders over an electronic network and the other claimed features of the instant application, but does not specifically mention that the orders are combined or that a log in is required before server level information can be changed by the customer.

Hafner teaches a method and system for consolidating orders from multiple orders (col 8, lines 1-28 and col 10, lines 20-30). It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in the claims of "411" the consolidation capability as taught by Hafner, because this would facilitate increased optimization by better controlling inventory and shipping costs.

(Office Action, Oct. 7, 2005, p. 6.)

1. Discussion of Issues

- a. The Examiner has failed to adequately address the limitation of the claims that do not require a user to log in when ordering an item, but require a user to log in when changing account information

Many of the claims are directed to selectively requiring log in by not requiring a user to log in when ordering an item, but requiring a user to log in when changing account information. For example, claim 108 recites, "in response to the single action being performed, sending to the server system a request to order the identified item along with the client identifier . . . wherein the user does not need to log in to the server system when ordering the item" and "when account information is to be changed, coordinating the log in of the user to the server system." The Examiner has not pointed to anything in the claims of the '411 patent or in the specification or drawings of Hafner

that corresponds to not requiring a log in to order an item, but requiring a log in to change account information. Rather,

[t]he examiner takes Official Notice that it was old and well known in the art at the time of the invention to have a remote storage site containing personal information authenticate users before information could be changed. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include the coordination by the server of changes to stored personal data, because authenticating the user would assure that only the user that provided the information could change it, therefore, creating more security of personal information and preventing others from stealing or manipulating the otherwise secure data.

(Office Action, Oct. 7, 2005, p. 7.) Although the Examiner takes Official Notice that it was well known to authenticate users before enabling users to change personal information, the Examiner fails to mention not requiring a user to log in when ordering an item, nor does the Examiner provide any motivation to combine (a) requiring a user to log in when changing account information, and (b) not requiring a user to log in when ordering an item. Thus, the Examiner has not established a *prima facie* case of unpatentability of these claims.

To establish an obviousness-type double patenting rejection, the Examiner is required to make clear:

(A) The differences between the inventions defined by the conflicting claims—a claim in the patent compared to a claim in the application; and

(B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

(MPEP § 804 II.B.1.) The Examiner has performed neither of these tasks for the selectively requiring log in language of these claims. As a result, the Examiner has not addressed a significant difference between the claims of the '411 patent and these claims that is the combination of not requiring a log in to order an item, but requiring a log in to update account information. Thus, the Examiner has not provided any reason why a person skilled in the art would conclude that this combination is obvious.

b. The Examiner has failed to address the "automatically" combining difference between Hafner and the claims

Many of the claims are directed to automatically combining orders. For example, claim 126 recites that "the server computer automatically combines orders into a single order." The Examiner has not established a *prima facie* case of obviousness-type double patenting because the Examiner has not attempted to address the "automatically" combining orders difference between the claims of the '411 patent and these claims. The Examiner does not even mention the "automatically" combining difference between the claims of the '411 patent and the pending claims. Indeed, Hafner does not automatically combine multiple orders into a single order; rather, Hafner discloses enabling a supplier and a retailer to manually review and change suggested orders at the supplier's server to consolidate orders. (Hafner, 6:67-7:4 and 8:19-23.) The suggested orders are generated by a replenishment system and communicated to the supplier's server. (Hafner, 6:17-29.) After receiving the suggested orders, the supplier either approves the suggested orders or changes the suggested orders to, for example, consolidate the orders. (Hafner, 6:29-32 and 8:19-23.) Although the supplier's server can automatically approve the suggested orders, the supplier or the retailer must manually change the suggested orders at the supplier's server to consolidate the orders. (Hafner, 5:56-60 and 6:74-7:1.) Accordingly, Hafner neither teaches nor suggests automatically combining multiple orders into a single order.

In addition, the Examiner's suggested motivating benefit for combining Hafner's consolidating orders feature with the claims of the '411 patent does not support his conclusion as to obviousness of the claims. The Examiner suggests that one would be motivated to make the combination because it would "facilitate increased optimization by better controlling inventory and shipping costs." (Office Action, Oct. 7, 2005, p. 6.) First, applicants do not understand how consolidating orders would help control inventory costs. It would seem that, if two orders are consolidated and shipped together, inventory costs could only increase. In particular, if orders are consolidated, then presumably none of the goods could be shipped until all the goods are in inventory. As a result, goods that could have been shipped if the orders were not consolidated, would have to be stored in

inventory until all the goods for the consolidated orders arrived in inventory, which would increase inventory cost. Second, if one wanted to control shipping costs, one would likely consider consolidating deliveries, not orders. Consolidating deliveries (e.g., shipping different deliveries in the same truck) rather than orders would be more flexible in that it would allow deliveries for different customers to be consolidated with the possibility of saving shipping costs. For example, deliveries for different customers in the same general geographic area (e.g., city) could be consolidated by placing the goods to be delivered on the same delivery truck. Even for the same customer's orders, one could hold the orders until all are ready for delivery and combine the deliveries, rather than combining the orders. Thus, the suggested motivating benefits either do not result from or necessarily lead to the suggested combination.

- c. The Examiner's suggested motivating benefit of assuring that orders are processed in a timely manner does not result from the suggested combination

Several claims are directed to combining orders that are placed within a certain time interval. For example, claim 127 recites that "requested orders are combined when sent within a certain time interval." With respect to this claim feature, the Examiner states:

The combination of "441" [sic] and Hafner teaches consolidating orders, but does not specifically mention all the time intervals and availability items of the instant claims. First, the examiner notes that the applicant's disclosure states that "one skilled in the art would appreciate that the single action orders can be combined in various ways based on other factors, such as size of shipment and intermediate-term availability" (page 12, lines 9-12). Likewise, the examiner takes Official Notice that it was old and well known in the art at the time of the invention to place time intervals on processing time and combining deliveries/orders based on availability. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in the combination of "441"/Hefner [sic] placing time intervals on processing time and combining deliveries/orders based on availability, because this would assure that the orders are processed in a timely manner and would also allow orders to be combined in a manner that is optimized.

(Office Action, Oct. 7, 2005, pp. 6-7.)

The Examiner correctly notes that Hafner does not mention that time intervals are used for combining orders. The Examiner, however, inexplicably relies on applicants' own disclosure of the invention to reject these claims. In describing the invention, applicants mention that "[o]ne skilled in the art would appreciate that the single-action orders can be combined in various ways based on other factors." (Specification, 12:9-10.) This statement means that upon reading applicants' disclosure of the invention one skilled in the art would appreciate that single-action orders can be combined in various ways. The Examiner is impermissibly using applicants' own disclosure to reject these claims.

The Examiner takes Official Notice that it was well known "to place time intervals on processing time." (Office Action, Oct. 7, 2005, p. 6.) Applicants do not understand what it means "to place time intervals on processing time." Moreover, applicants do not understand how this Official Notice in any way relates to combining orders that are placed within a certain time interval as recited by these claims.

In addition, the Examiner's suggested motivating benefit for further combining the claims of the '411 patent and Hafner with placing "time intervals on processing time" does not support his conclusion as to obviousness of the claims. The Examiner's suggested motivating benefit for this combination is that "this would assure that the orders are processed in a timely manner." (*Id.* at 7.) It is not clear how waiting for a time interval to elapse would assure that an order would be processed in a timely manner. Rather than delaying a time interval, it would seem that one would want to process an order immediately upon placement of the order to ensure that it is "processed in a timely manner." Thus, the suggested motivating benefit does not result from the suggested combination.

- d. The Examiner's suggested motivating benefit of allowing orders to be combined in a manner that is optimized does not necessarily lead to the suggested combination

Several claims recite that orders are combined based on availability. For example, claim 129 recites that "the requested orders are combined when the requested items

have similar availability." The Examiner has not provided a sufficient motivation for a combination that includes the purported facts of which he is taking Official Notice. As discussed above, the Examiner impermissibly relies on applicants' own disclosure when attempting to show that this difference would be obvious.

The Examiner takes Official Notice that it was well known to combine "deliveries/orders based on availability." (Office Action, Oct. 7, 2005, p. 7.) Applicants do not understand of what precisely the Examiner is taking Official Notice. The Examiner appears to be equating deliveries with orders. A delivery and an order are very different concepts. The claims recite combining "orders," not combining "deliveries." Applicants agree that combining deliveries based generally on availability is well known. For example, two deliveries that are available for shipment and are destined for the same general area may be combined on the same truck for delivery. But, it cannot be inferred from the combining of deliveries that the orders are also combined based on availability.

In addition, the Examiner's suggested motivating benefit for combining the claims of the '411 patent and Hafner with "combining deliveries/orders based on availability" does not support his conclusion as to obviousness of the claims. The Examiner's suggested motivating benefit for this combination is that it would "allow orders to be combined in a manner that is optimized." (*Id.* at p. 7.) The Examiner, however, does not provide any explanation as to what would be optimized. If shipping costs were being optimized, the same cost benefit would come from combining deliveries based on availability without having to consolidate orders and would be more flexible as discussed above. So, one would have no reason to combine orders, as opposed to deliveries, to save shipping costs. Thus, the suggested motivating benefit does not necessarily lead to the suggested combination.

2. Discussion of Claims⁵

a. Claims 108-118, 151-156, and 176-183

Claims 108-118, 151-156, and 176-183 are directed to not requiring a user to log in when ordering an item, but requiring a user to log in when changing account information. For example, claim 108 recites, "in response to the single action being performed, sending to the server system a request to order the identified item along with the client identifier . . . wherein the user does not need to log in to the server system when ordering the item" and "when account information is to be changed, coordinating the log in of the user to the server system." As discussed above in Section 1.a, the Examiner has failed to adequately address the limitation of the claims that do not require a user to log in when ordering an item, but require a user to log in when changing account information. Accordingly, the obviousness-type double patenting rejection of claims 108-118, 151-155, and 176-183 should be reversed.

b. Claims 119-120

Claims 119-120 depend from claim 118 and are not obvious for the same reason as claim 118. In addition, these claims recite that orders are combined when sent within a certain time interval. For example, claim 119 recites that "requests are combined when sent within a certain time interval." As discussed above in Section 1.c, the Examiner's suggested motivating benefit of ensuring that orders are processed in a timely manner does not result from combining orders sent within a certain time interval. In addition, the Examiner impermissibly relies on applicants' own disclosure as motivation for the suggested combination. Thus, the obviousness-type double patenting rejection of these claims should be reversed.

⁵ Applicants specify groupings of the claims pursuant to 37 C.F.R. § 41.37(c)(vii) based on applicants' understanding of the Examiner's rationale for the rejection of the claims, both obviousness and double patenting. If the rationale changes, applicants reserve the right to regroup the claims.

c. Claims 121-123

Claims 121-123 depend from claim 108 and are not obvious for the same reason as claim 108. In addition, these claims recite including an "item in an order with another item with similar availability." As discussed above in Section 1.d, the Examiner's suggested motivating benefit of allowing orders to be combined in a manner that is optimized does not necessarily lead to combining orders with similar availability. In addition, the Examiner impermissibly relies on applicants' own disclosure as motivation for the suggested combination. Thus, the obviousness-type double patenting rejection of claims 121-123 should be reversed.

d. Claims 126 and 132-137

Claims 126 and 132-137 recite that "the server computer automatically combines orders into a single order." As discussed above in Section 1.b, the Examiner has failed to address the "automatically" combining difference between Hafner and the claims. In addition, the suggested motivating benefits of better controlling inventory and shipping costs do not result from or necessarily lead to the combining of orders. Thus, the obviousness-type double patenting rejection of claims 126 and 132-137 should be reversed.

e. Claims 127-128

Claims 127-128 depend from claim 126 and are not obvious for the same reasons as claim 126. In addition, these claims recite that orders are combined when sent within a certain time interval. For example, claim 127 recites that "requested orders are combined when sent within a certain time interval." As discussed above in Section 1.c, the Examiner's suggested motivating benefit of assuring that orders are processed in a timely manner does not necessarily result from combining orders sent within a certain time interval. In addition, the Examiner impermissibly relies on applicants' own disclosure as motivation for the suggested combination. Thus, the obviousness-type double patenting rejection of claims 127-128 should be reversed.

f. Claims 129-131

Claims 129-131 depend from claim 126 and are not obvious for the same reasons as claim 126. In addition, these claims recite that "the requested orders are combined when the requested items have similar availability." As discussed above in Section 1.d, the Examiner's suggested motivating benefit of allowing orders to be combined in a manner that is optimized does not necessarily lead to combining orders based on availability. In addition, the Examiner impermissibly relies on applicants' own disclosure as motivation for the suggested combination. Thus, the obviousness-type double patenting rejection of claims 129-131 should be reversed.

g. Claims 159-160

Claims 159-160 are directed to combining orders that are placed within a certain time interval. For example, claim 159 recites that "requested orders are combined into a single order when received within a certain time interval." As discussed above in Section 1.c, the Examiner's suggested motivating benefit of assuring that orders are processed in a timely manner does not result from combining orders sent within a certain time interval. In addition, the Examiner impermissibly relies on applicants' own disclosure as motivation for the suggested combination. Thus, the obviousness-type double patenting rejection of claims 159-160 should be reversed.

h. Claims 161-163

Claims 161-163 recite that "the requested orders are combined into a single order when the requested items have similar availability." As discussed above in Section 1.d, the Examiner's suggested motivating benefit of allowing orders to be combined in a manner that is optimized does not necessarily lead to combining orders with similar availability. In addition, the Examiner impermissibly relies on applicants' own disclosure as motivation for the suggested combination. Thus, the obviousness-type double patenting rejection of claims 161-163 should be reversed.

B. Obviousness Rejections

1. Legal Standards for Obviousness

All the claims on appeal stand rejected as obvious under 35 U.S.C. § 103(a). 35 U.S.C. § 103(a) provides:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

"[T]he [E]xaminer bears the initial burden of presenting a *prima facie* case of obviousness." *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d (BNA) 1955, 1956 (Fed. Cir. 1993). "A *prima facie* case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." *Id.* (quoting *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d (BNA) 1529, 1531 (Fed. Cir. 1993)).

To establish a *prima facie* case of obviousness, the Examiner must (1) identify prior art references that disclose all the elements of the claims, and (2) provide a suggestion or motivation to modify the references to produce the claimed invention. (MPEP § 2143.) With respect to the second requirement, the Examiner must provide a suggestion or motivation to combine from within the prior art, and may not rely on hindsight gleaned from applicants' invention itself. See, e.g., *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1050-51, 5 U.S.P.Q.2d 1434, 1438 (Fed. Cir. 1988).

Under these standards, applicants' invention would not have been obvious. The Examiner has not identified prior art references that disclose all the elements of the pending claims. The Examiner also has not provided any motivation from within the prior art to modify the cited references so as to produce the claimed invention. Therefore, the rejection of the claims should be reversed.

2. Discussion of Issues

- a. Joseph and Teper fail to disclose or suggest not requiring a user to log in when ordering an item, but requiring a user to log in when changing account information

Many of the claims are directed to not requiring a user to log in when ordering an item, but requiring a user to log in when changing account information. For example, claim 108 recites, "in response to the single action being performed, sending to the server system a request to order the identified item along with the client identifier . . . wherein the user does not need to log in to the server system when ordering the item" and "when account information is to be changed, coordinating the log in of the user to the server system; receiving updated account information; and sending the updated account information to the server system." Joseph does not require, or even mention, logging in to place an order or to change account information, and Teper requires logging in to place an order and to change account information. The Examiner's picking and choosing of the no log in to place an order of Joseph and the log in to change account information of Teper is impermissible in the absence of a suggestion or motivation in the prior art to do so. The Examiner is impermissibly using applicants' specification as a template for piecing together prior art features.

Joseph discloses storing information about the viewer (e.g., name, address, method of payment, and credit card number) in the permanent memory of the client computer. The viewer can change or update this information with the TV remote control. As such, the viewer in Joseph's system does not log in to a server system to change account information because the account information is stored at the client computer. In fact, Joseph does not mention logging in to the server computer, the client computer, or any other computer. By contrast, Teper's system requires the user to log in before the user can purchase an item and before the user can change account information. For example, when a user connects to a Service Provider site and attempts to purchase an item, the Service Provider site requires the user to manually enter their password before the purchase is completed. Moreover, when a user connects to the Online Brokering

Service to change or review account information, the Online Brokering Service requires the user to log in. Therefore, Teper's system always requires the user to log in before purchasing an item and before changing account information, and Joseph does not mention logging in.

The Examiner fails to provide a motivation found in the prior art for combining the no log in required to place an order aspect of Joseph's system with the log in required to change account information aspect of Teper's system to create a system that does not require a user to log in when ordering an item but requires a user to log in when changing account information. The Examiner's rationale for combining Joseph and Teper in this way is as follows. First, the Examiner believes that one could modify Joseph to store personal information on a server to save space. Second, since Teper teaches logging in before changing personal information, the Examiner believes that one would be motivated by security issues to combine Teper with Joseph to require logging in to change Joseph's personal information, which is now stored on a server.

The Examiner has not, however, explained why someone concerned with security issues would be motivated to select Teper's logging in to change personal data to improve security, but not select Teper's logging in to purchase an item when it would also improve security. The Examiner cannot pick and choose different aspects of the prior art and combine them to come up with the claimed invention without a motivation or suggestion in the prior art to make the combination. (MPEP § 2143.01.) Neither reference provides such a motivation. Teper requires authentication for purchasing and changing personal information to ensure tight security, and Joseph never requires authentication presumably because the personal information is stored in a set-top box at the viewer's house. Accordingly, there is no motivation to combine Joseph and Teper to create a system that does not require a user to log in when ordering an item but requires a user to log in when changing account information.

- b. Joseph and Teper fail to disclose or suggest receiving from a server system a client identifier of the client system, persistently storing the client identifier at the client system and, when an item is to be ordered, sending to the server system a request to order the identified item along with the client identifier

All the appealed claims are directed to receiving a client identifier from a server system, storing the client identifier, and, in response to a single action being performed, sending the client identifier along with a request to order an item to the server system. For example, claim 108 recites, "receiving from a server system a client identifier of the client system; persistently storing the client identifier at the client system" and "when an item is to be ordered, . . . in response to the single action being performed, sending to the server system a request to order the identified item along with the client identifier." The Examiner relies on Joseph as teaching "receiving information from a server system (col 7, lines 33-37) and storing information persistently for transmittal to a server system (col 8, lines 52-60)." (Office Action, Oct. 7, 2005, p. 8.) The Examiner is correct that Joseph receives information from the server system and persistently stores information that is sent to the server system. However, the information that is received (e.g., code modules) is not the information that is sent to the server (i.e., the name, address, method of payment, and credit card number). The claims clearly recite that the same information (i.e., client identifier) that is received from the server system is persistently stored and sent back to the server system. Thus, this characterization of Joseph by the Examiner is technically correct, but it fails to meet the limitation of the claims that the same information that is received from the server is sent back to the server.

The Examiner also recognizes that Joseph does not teach or suggest the storing at a client system of a client identifier provided by a server system. To cure this deficiency, the Examiner suggests that it would be obvious to add Teper's unique user identifier to Joseph. The Examiner's rationale is that "this would free up storage space on the client computer by storing information and programming on the server while still maintaining control of the data at the local client computer." (Office Action, October 7, 2005, p. 8.) There is, however, no suggestion that storage space is a problem at

Joseph's client computer, that such a problem could be remedied by using Teper's unique user identifier, or that the storage burden should be shifted to a server. Moreover, the Examiner's suggestion would increase the overall storage requirements as the server and the client would both need to store the user identifier and the server would need to store the personal information. The duplicate information (i.e., the user identifier) would need to be stored at both the server and the client. Thus, this "freeing" up of space would actually increase overall storage requirements. Moreover, the Examiner has pointed to nothing in the prior art to support this motivation.

c. Hafner fails to disclose or suggest automatically combining multiple orders into a single order

Many of the claims are directed to automatically combining multiple orders placed with single-action ordering into a single order. For example, claim 126 recites, "the server computer automatically combines orders into a single order." It is the Examiner's position that "the combination of Joseph/Teper . . . does not specifically mention that the orders are combined. Hafner teaches a method and system for consolidating orders from multiple orders (col 8, lines 1-28 and col 10, lines 20-30)." (Office Action, Oct. 7, 2005, pp. 26-27.)

Hafner describes manually consolidating orders but does not disclose automatically combining multiple orders into a single order. Rather, Hafner discloses enabling a supplier and a retailer to manually review and change suggested orders at the supplier's server to consolidate orders. (Hafner, 6:67-7:4 and 8:19-23.) The suggested orders are generated by a replenishment system and communicated to the supplier's server. (Hafner, 6:17-29.) After receiving the suggested orders, the supplier either approves the suggested orders or changes the suggested orders to, for example, consolidate the orders. (Hafner, 6:29-32 and 8:19-23.) Although the supplier's server can automatically approve the suggested orders, the supplier or the retailer must manually change the suggested orders at the supplier's server to consolidate the orders. (Hafner, 5:56-60 and 6:74-7:1.) Accordingly, Hafner neither teaches nor suggests automatically combining multiple orders into a single order.

In addition, certain of these claims recite specific conditions under which orders are combined. For example, claim 127 recites that "the requested orders are combined when sent within a certain time interval," and claim 129 recites that "the requested orders are combined when the requested items have similar availability." The Examiner recognizes that the cited references do not mention these conditions for combining orders. The Examiner, however, inexplicably relies on applicants' own disclosure of the invention to reject these claims. (Office Action, Oct. 7, 2005, p. 27.) In describing the invention, applicants mention that "[o]ne skilled in the art would appreciate that the single-action orders can be combined in various ways based on other factors." (Specification, 12:9-10.) This statement means that upon reading applicants' disclosure of the invention one skilled in the art would appreciate that single-action orders can be combined in various ways. The Examiner is impermissibly using applicants' own disclosure to reject these claims.

3. Response to the Section 103(a) Rejection of Claims 108-117, 151-156, and 176-183 Over Joseph, Teper, and Official Notice

Claims 108-117, 151-156, and 176-183 were rejected under 35 U.S.C. § 103(a) over Joseph, Teper, and Official Notice. For the reasons described below, the Examiner has failed to establish that these claims are obvious over Joseph, Teper, and Official Notice. Therefore, the Section 103(a) rejection of these claims should be reversed.

a. Claims 108-117, 151-155, and 176-183

Claims 108-117, 151-155, and 176-183 are directed to not requiring a user to log in when ordering an item, but requiring a user to log in when changing account information. For example, claim 108 recites, "in response to the single action being performed, sending to the server system a request to order the identified item along with the client identifier . . . wherein the user does not need to log in to the server system when ordering the item" and "when account information is to be changed, coordinating the log in of the user to the server system; receiving updated account information; and sending the updated account information to the server system." As discussed above in

Section 2.a, Joseph and Teper fail to disclose or suggest this feature. Therefore, the Section 103(a) rejection of these claims should be reversed.

These claims are also directed to receiving a client identifier from a server system, storing the client identifier, and, in response to a single action being performed, sending the client identifier along with a request to order an item to the server system. For example, claim 108 recites, "receiving from a server system a client identifier of the client system; persistently storing the client identifier at the client system" and "when an item is to be ordered, . . . in response to the single action being performed, sending to the server system a request to order the identified item along with the client identifier." As discussed above in Section 2.b, Joseph and Teper fail to disclose or suggest this feature. Therefore, the Section 103(a) rejection of these claims should be reversed.

b. Claim 156

Claim 156 incorporates the language of its base claim 151 and further recites combining "multiple requests to order items into a single order." Although the quoted language does not explicitly recite "combin[ing] orders" as does claim 126, this claim depends from claim 151, which recites, "a single action that is to be performed to order the identified item." Therefore, it is evident that a single action places an order, and, when multiple single actions are performed, multiple orders are combined.

The Examiner relies on the shopping cart of Joseph as showing combining multiple requests into a single order. The placing of an item in a shopping cart is not, however, a request "to order the identified item" as recited by claim 156. Rather, it is a request to save an indication of the item so that the item along with other items in the shopping cart can be ordered during the checkout process. The checkout process of a shopping cart places a single order for multiple items that have not yet been ordered. Thus, there is only one request to order items, and not multiple requests to order that are combined. Therefore, the Section 103(a) rejection of this claim should be reversed for the same reasons as its base claim and this additional reason.

4. Response to the Section 103(a) Rejection of Claims 118-123, 126-137, and 159-163 Over Joseph, Teper, Hafner, and Official Notice

Claims 118-123, 126-137, and 159-163 were rejected under 35 U.S.C. § 103(a) over Joseph, Teper, Hafner, and Official Notice. For the reasons described below, the Examiner has failed to establish that these claims are obvious over Joseph, Teper, Hafner, and Official Notice. Therefore, the rejection of these claims should be reversed.

a. Claim 118

Claim 118 incorporates the language of its base claim 108 and is further directed to combining "multiple requests to order items into a single order." Although the quoted language does not explicitly state "combin[ing] orders" as does claim 126 (discussed above with reference to Section 2.c), claim 118 depends from claim 108, which recites, "in response to the single action being performed, sending to the server system a request to order the identified item." Therefore, it is evident that a single action places an order, and when multiple single actions are performed, multiple orders are combined into a single order. As discussed above in Section 2.c, Hafner fails to disclose or suggest this feature. Therefore, the Section 103(a) rejection of claim 118 should be reversed for the same reasons as its base claim and this additional reason.

b. Claims 119-120

Claims 119-120 incorporate the language of their base claim 108 and intervening claim 118 and are further directed to combining orders when the order requests are "sent within a certain time interval" or "sent within 90 minutes." As discussed above in Section 2.c, the Examiner impermissibly relies on the teachings of applicants' own disclosure in rejecting these claims. Accordingly, this rejection should be reversed for the same reasons as the base and intervening claims and this additional reason.

c. Claims 121-123

Claims 121-123 incorporate the language of their base claim 108 and are further directed to including "the identified item in an order with another item with similar availability." As discussed above in Section 2.c, the Examiner impermissibly relies on the

teachings of applicants' own disclosure in rejecting these claims. Accordingly, this rejection should be reversed for the same reasons as the base claim and this additional reason.

d. Claims 126 and 132-137

Claims 126 and 132-137 are directed to combining multiple orders into a single order. For example, claim 126 recites, "wherein the server computer automatically combines orders into a single order." As discussed above in Section 2.c, Hafner fails to disclose or suggest this feature. Therefore, the rejection of these claims should be reversed.

These claims are also directed to receiving a client identifier from a server system, storing the client identifier, and, in response to a single action being performed, sending the client identifier along with a request to order an item to the server system. Claim 126 recites, "receiving from a server system a client identifier of the client system; persistently storing the client identifier at the client system" and "in response to the single action being performed, sending to the server system a request to order the identified item and the client identifier." As discussed above in Section 2.b, Joseph and Teper fail to disclose or suggest this feature. Hafner also fails to disclose or suggest this feature. Therefore, the Section 103(a) rejection of these claims should be reversed.

e. Claims 127-128

Claims 127-128 incorporate the language of their base claim 126 and are further directed to combining orders when the order requests are "sent within a certain time interval" or "requested within 90 minutes." As discussed above in Section 2.c, the Examiner impermissibly relies on the teachings of applicants' own disclosure in rejecting these claims. Accordingly, this rejection should be reversed for the same reasons as the base claim and this additional reason.

f. Claims 129-131

Claims 129-131 incorporate the language of their base claim 126 and are further directed to combining orders "when the requested items have similar availability." As

discussed above in Section 2.c, the Examiner impermissibly relies on the teachings of applicants' own disclosure in rejecting these claims. Accordingly, this rejection should be reversed for the same reasons as the base claim and this additional reason.

g. Claims 159-160

Claims 159-160 are directed to combining multiple requested orders into a single order. Claim 159 recites, "wherein the requested orders are combined into a single order when received within a certain time interval," and claim 160 recites, "wherein the requested orders are combined into a single order when received within 90 minutes." As discussed above in Section 2.c, Hafner fails to disclose or suggest this feature. Moreover, as also discussed in Section 2.c, the Examiner impermissibly relies on the teachings of applicants' own disclosure in rejecting these claims. Therefore, the rejection of these claims should be reversed.

These claims are also directed to receiving a client identifier from a server system, storing the client identifier, and, in response to a single action being performed, sending the client identifier along with a request to order an item to the server system. Claim 158, from which these claims depend, recites, "providing to a client system a client identifier for the client system, the client identifier being associated with account information of a user and for persistent storage at the client system" and "receiving from the client system a request to order the identified item, the request including the client identifier." As discussed above in Section 2.b, Joseph and Teper fail to disclose or suggest this feature. Therefore, the rejection of these claims should be reversed.

h. Claims 161-163

Claims 161-163 are directed to combining multiple requested orders into a single order. Claim 161 recites, "wherein the requested orders are combined into a single order when the requested items have similar availability." As discussed above in Section 2.c, Hafner fails to disclose or suggest this feature. Moreover, as also discussed in Section 2.c, the Examiner impermissibly relies on the teachings of applicants' own disclosure in rejecting these claims. Therefore, the rejection of these claims should be reversed.

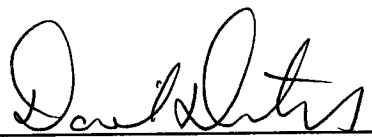
These claims are also directed to receiving a client identifier from a server system, storing the client identifier, and, in response to a single action being performed, sending the client identifier along with a request to order an item to the server system. Claim 158, from which these claims depend, recites, "providing to a client system a client identifier for the client system, the client identifier being associated with account information of a user and for persistent storage at the client system" and "receiving from the client system a request to order the identified item, the request including the client identifier." As discussed above in Section 2.b, Joseph and Teper fail to disclose or suggest this feature. Therefore, the Section 103(a) rejection of these claims should be reversed.

VIII. CONCLUSION

The Examiner's Section 103(a) rejection should be reversed primarily because the relied-upon art does not establish that the following claimed features are obvious: (1) not requiring a user to log in when ordering an item, but requiring a user to log in when changing account information, and (2) automatically combining multiple orders into a single order. The Examiner's obviousness-type double patenting rejection should be reversed primarily because Hafner does not suggest automatically combining orders and several of the claims have differences from the relied-upon art that the Examiner did not even address in rejecting the claims.

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Respectfully submitted,

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APPENDIX A

CLAIMS

108. A method in a client system for ordering an item, the method comprising:
receiving from a server system a client identifier of the client system;
persistently storing the client identifier at the client system;
when an item is to be ordered,
displaying information identifying the item and displaying an indication of a
single action that is to be performed to order the identified item; and
in response to the single action being performed, sending to the server
system a request to order the identified item along with the client
identifier, the client identifier identifying account information
previously supplied by a user of the client system wherein the user
does not need to log in to the server system when ordering the item;
and
when account information is to be changed,
coordinating the log in of the user to the server system;
receiving updated account information; and
sending the updated account information to the server system
whereby the user does not need to log in to the server system when ordering the
item, but needs to log in to the server system when changing previously
supplied account information.
109. The method of claim 108 wherein the account information includes billing
information.
110. The method of claim 108 wherein the account information includes shipping
information.

111. The method of claim 108 wherein the client system and server system communicate via the Internet.

112. The method of claim 108 including receiving from the server system a confirmation that the order was generated.

113. The method of claim 108 wherein the single action is clicking a mouse button when a cursor is positioned over a predefined area of the displayed information.

114. The method of claim 108 wherein the displaying includes displaying partial information supplied by the server system as to an identity of the user of the client system.

115. The method of claim 108 wherein the displaying includes displaying partial shipping information supplied by the server system.

116. The method of claim 108 wherein the displaying includes displaying partial payment information supplied by the server system.

117. The method of claim 108 wherein the item may alternatively be ordered using a shopping cart model.

118. The method of claim 108 wherein the server system combines multiple requests to order items into a single order.

119. The method of claim 118 wherein requests are combined when sent within a certain time interval.

120. The method of claim 118 wherein requests are combined when sent within 90 minutes.

121. The method of claim 108 wherein after the server system receives the request, it includes the identified item in an order with another item with similar availability.

122. The method of claim 121 wherein availability is categorized as short-term or long-term.

123. The method of claim 121 wherein availability is categorized as short-term, intermediate-term, or long-term.

124. (Not Appealed) The method of claim 108 including displaying an indication that the order for the item that is requested in response to performing the single action can be canceled within a time period.

125. (Not Appealed) The method of claim 124 wherein the time period is 90 minutes.

126. A method in a client system for ordering items, the method comprising:
receiving from a server system a client identifier of the client system;
persistently storing the client identifier at the client system; and
for each of a plurality of items

displaying information identifying the item and displaying an indication of a
single action that is to be performed to order the identified item; and
in response to the single action being performed, sending to the server
system a request to order the identified item and the client identifier,
the client identifier identifying account information of a user
wherein the server computer automatically combines orders into a single order.

127. The method of claim 126 wherein the requested orders are combined when sent within a certain time interval.

128. The method of claim 126 wherein the requested orders are combined when requested within 90 minutes.

129. The method of claim 126 wherein the requested orders are combined when the requested items have similar availability.

130. The method of claim 129 wherein the availability is categorized as short-term or long-term.

131. The method of claim 129 wherein the availability is categorized as short-term, intermediate-term, or long-term.

132. The method of claim 126 wherein the client system and server system communicate via the Internet.

133. The method of claim 126 wherein the single action is clicking a mouse button when a cursor is positioned over a predefined area of the displayed information.

134. The method of claim 126 wherein the displaying includes displaying partial information supplied by the server system as to the identity of the user of the client system.

135. The method of claim 126 wherein the displaying includes displaying partial shipping information supplied by the server system.

136. The method of claim 126 wherein the displaying includes displaying partial payment information supplied by the server system.

137. The method of claim 126 wherein the item may alternatively be ordered using a shopping cart model.

138. (Not Appealed) The method of claim 126 including displaying an indication that the order for the item that is requested in response to performing the single action can be canceled within a time period.

139. (Not Appealed) The method of claim 138 wherein the time period is 90 minutes.

140. (Not Appealed) A method in a client system for ordering an item, the method comprising:

- receiving from a server system a client identifier of the client system;
- persistently storing the client identifier at the client system;
- displaying information identifying the item and displaying an indication of a single action that is to be performed to order the identified item;
- in response to the single action being performed, sending to the server system a request to order the identified item along with the client identifier, the client identifier identifying account information of a user; and
- displaying an indication that the order for the item that is requested can be canceled within a time interval.

141. (Not Appealed) The method of claim 140 wherein the time interval is 90 minutes.

142. (Not Appealed) The method of claim 140 wherein the client system and server system communicate via the Internet.

143. (Not Appealed) The method of claim 140 wherein the single action is clicking a mouse button when a cursor is positioned over a predefined area of the displayed information.

144. (Not Appealed) The method of claim 140 wherein the displaying includes displaying partial information supplied by the server system as to the identity of the user of the client system.

145. (Not Appealed) The method of claim 140 wherein the displaying includes displaying partial shipping information supplied by the server system.

146. (Not Appealed) The method of claim 140 wherein the displaying includes displaying partial payment information supplied by the server system.

147. (Not Appealed) The method of claim 140 wherein the item may alternatively be ordered using a shopping cart model.

148. (Not Appealed) The method of claim 140 wherein the server system combines multiple requests to order items into a single order.

149. (Not Appealed) The method of claim 148 wherein requests are combined when sent within a certain time interval.

150. (Not Appealed) The method of claim 140 wherein after the server system receives the request, it includes the identified item in an order with another item with similar availability.

151. A client system for ordering an item, comprising:

- a component that receives from a server system a client identifier of the client system and that stores the client identifier persistently;

- a component that orders an item by displaying information identifying the item along with an indication of a single action that is to be performed to order the identified item and by sending to the server system a request to order the identified item along with the client identifier, the client identifier

identifying account information previously supplied by a user wherein the user does not need to log in to the server system when ordering the item; and

a component that updates account information by coordinating the log in of the user to the server system, receiving updated account information from the user, and sending the updated account information to the server system.

152. The computer system of claim 151 wherein the account information includes billing information.

153. The computer system of claim 151 wherein the account information includes shipping information.

154. The computer system of claim 151 wherein the single action is clicking a mouse button when a cursor is positioned over a predefined area of the displayed information.

155. The computer system of claim 151 including a component that alternatively orders the item using a shopping cart model.

156. The computer system of claim 151 wherein the server system combines multiple requests to order items into a single order.

157. (Not Appealed) The computer system of claim 151 including displaying an indication that the order for the item that is requested in response to performing the single action can be canceled within a time period.

158. (Not Appealed) A method in a computer system for ordering items, the method comprising:

providing to a client system a client identifier for the client system, the client identifier being associated with account information of a user and for persistent storage at the client system;

for each of one or more items,

providing to the client system a display page identifying an item, the display page including an indication of a single action that is to be performed to order the identified item; and

receiving from the client system a request to order the identified item, the request including the client identifier; and

automatically generating a single order for the identified items of the one or more received requests for items wherein the user does not need to specify that the identified items are to be combined into a single order.

159. The method of claim 158 wherein the requested orders are combined into a single order when received within a certain time interval.

160. The method of claim 158 wherein the requested orders are combined into a single order when received within 90 minutes.

161. The method of claim 158 wherein the requested orders are combined into a single order when the requested items have similar availability.

162. The method of claim 161 wherein the availability is categorized as short-term or long-term.

163. The method of claim 161 wherein the availability is categorized as short-term, intermediate-term, or long-term.

164. (Not Appealed) The method of claim 158 wherein the single action is clicking a mouse button when a cursor is positioned over a predefined area of the displayed information.

165. (Not Appealed) The method of claim 158 wherein an item may alternatively be ordered using a shopping cart model.

166. (Not Appealed) The method of claim 158 including wherein the display page indicates that the order can be canceled within a certain time interval.

167. (Not Appealed) The method of claim 166 wherein the single action is clicking a mouse button when a cursor is positioned over a predefined area of the displayed information.

168. (Not Appealed) A method in a computer system for ordering an item, the method comprising:

- providing to a client system a client identifier for the client system, the client identifier being associated with account information of a user and for persistent storage at the client system;

- providing to the client system a display page identifying an item, the display page including an indication of a single action that is to be performed to order the identified item and an indication that the order for the item can be canceled within a time interval;

- receiving from the client system an indication that the user performed the single action along with the client identifier; and

- generating an order for the identified item using the account information associated with the received client identifier.

169. (Not Appealed) The method of claim 168 wherein the time interval is 90 minutes.

170. (Not Appealed) The method of claim 168 wherein the client system and server system communicate via the Internet.

171. (Not Appealed) The method of claim 168 wherein the single action is clicking a mouse button when a cursor is positioned over a predefined area of the displayed information.

172. (Not Appealed) The method of claim 168 wherein the display page includes information identifying the user.

173. (Not Appealed) The method of claim 168 wherein the display page includes partial shipping information.

174. (Not Appealed) The method of claim 168 wherein the display page includes partial payment information.

175. (Not Appealed) The method of claim 168 wherein the item may alternatively be ordered using a shopping cart model.

176. A method in a computer for ordering an item, the method comprising:
providing to a client system a client identifier for the client system, the client identifier being associated with account information of a user and for persistent storage at the client system;
when an item is to be ordered,
providing to the client system a display page identifying an item, the display page including an indication of a single action that is to be performed to order the identified item;
receiving from the client system an indication that the user performed the single action along with the client identifier; and

generating an order for the identified item using the account information associated with the received client identifier wherein the user does not need to log in to the computer system to order the item; and when account information is to be changed, coordinating the log in of the user to the computer system; receiving from the client system updated account information; and updating the account information associated with the client identifier of the logged in user based on the received updated account information.

177. The method of claim 176 wherein the account information includes billing information.

178. The method of claim 176 wherein the account information includes shipping information.

179. The method of claim 176 wherein the client system and server system communicate via the Internet.

180. The method of claim 176 wherein the single action is clicking a mouse button when a cursor is positioned over a predefined area of the displayed information.

181. The method of claim 176 wherein the display page includes partial shipping information supplied.

182. The method of claim 176 wherein the display page includes partial payment information supplied.

183. The method of claim 176 wherein the item may alternatively be ordered using a shopping cart model.

APPENDIX B

No evidence pursuant to § 1.130, 1.131, or 1.132 or entered by or relied upon by the Examiner is being submitted.

APPENDIX C

A copy of the judicial proceedings identified above in Section II is attached hereto as Appendix C.